

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHRISTOPHER D. WOOLVERTON §

VS. § CIVIL ACTION NO. 5:05cv101

JOHN A. RUPERT, ET AL. §

ORDER OF DISMISSAL

Plaintiff Christopher D. Woolverton, an inmate previously confined at the Telford Unit of the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the complaint should be dismissed because the Plaintiff failed to exhaust his administrative remedies at both the Step1 and Step 2 levels before he filed the lawsuit. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. The Plaintiff acknowledged in his objections that he did not know the law; nonetheless, his failure to exhaust his administrative remedies cannot be excused due to ignorance of the law since Congress requires inmates, without exception, to exhaust their administrative remedies before proceeding to federal court. *Booth v. Churner*, 532

U.S. 731 (2001). Therefore the findings and conclusions of the Magistrate Judge are adopted as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** without prejudice for failure to exhaust administrative remedies. It is further

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 7th day of September, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE